

**North Andover Conservation Commission Meeting Minutes**  
**April 13, 2016**

**Members Present:** Louis A. Napoli, Chairman, Joseph W. Lynch, Jr., John T. Mabon, Deborah A. Feltovic, Sean F. McDonough Douglas W. Saal.

**Member Absent:** Albert P. Manzi, Jr. Vice Chairman.

**Staff Members Present:** Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

***Pledge of Allegiance***

***Approval of Minutes of 3/23/16***

- A motion to accept the meeting minutes of 3/23/16 as drafted is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

***Meeting came to Order at: 7:02 PM Quorum Present.***

**NACC# 93, 660 Great Pond Road (Rolling Ridge Retreat and Conference Center) (Farm Renewal)**

- The applicant Larry Peacock of Rolling Ridge Retreat and Conference Center, Dan Berube of Berube Farm and Emily Strong farmer are present.
- Administrator reviews the Rolling Ridge request to renew the Small Project for the Community Garden. She states a second farmer will be working on the property. Last year only a portion of the farm was utilized.
- Mr. Berube introduces himself and explains his plan to improve soils on a portion of the farm this year. He states he had the soil tested at Umass and the recommended fertilizer requirements differ from what was previously approved. He states he would like to use an organic fertilizer higher in phosphorous. The fertilizer is expensive so it would only be applied as needed.
- The Administrator states most of the Planning Board Watershed Special Permits restrict the use of phosphorous.
- Mr. Lynch states the new EPA MS4 permit lists a phosphorous TMDL for local waterways.
- Mr. Berube states that the land is below optimal levels for phosphorous. He states the fertilizer is slow release. He states the fertilizer is 0-3-0 and actually has no nitrogen. He states 18lbs would be used per  $\frac{3}{4}$  acre. He adds that he would only be planting a cover crop this year and testing the soil. He would have permanent beds to limit tilling.
- Mr. Mabon states we should get Mr. Manzi's input as he is familiar with fertilizing for agriculture.
- Mr. Lynch states the commission can address the renewal tonight and address the fertilizer as a separate issue.
- A motion to accept the renewal of the farming small project permit is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

***Documents:***

- *Letter prepared by South Church Giving Garden end of season report date March 2016*
- *Photos prepared by South Church Garden dated March 2016*
- *Google Earth Aerial Map dated March 2016*
- *Photo prepared by the North Andover Conservation Department dated March 2016*
- *Letter prepared by Berube Farm dated March 2016*

***Request for Determination of Applicability***

**Commonwealth Avenue-(DPW sewer replacement)**

- John Sullivan of Sullivan Engineering Group, LLC, presents the Public Works proposal to replace the sewer in Commonwealth Avenue. The line will be increased from 6" to 8". There is no work proposed in the 25' No-Disturbance Zone and no dewatering is anticipated although a contingency plan for dewatering is included. There is no drainage in the street that will need to be protected. The work is not in floodplain.
- Abutters Ryan & Julie Tankersley of 15 Commonwealth Avenue, William & Lorraine McMahon of 24 Commonwealth Avenue, James & Claudette McMurray of 25 Massachusetts Avenue are present.
- One abutter states he has flooding on his property.
- Mr. Sullivan goes on to state that the work will be done over the summer. Work will involve saw cutting the pavement and removing and replacing the infrastructure.
- Mr. Lynch asks if this is part of the East Side sewer.
- Mr. Sullivan states it is a stand-alone system. He also states that the sewer laterals will not be touched unless there is an apparent issue.
- Mr. Lynch states that this is part of the required II review and that the work is to stop infiltration to the system. He states there will be no impact to resource area.
- An abutter asks if he will be without water at any time.
- Mr. Sullivan states the work will be done live so there will be no interruption in service. Work should take no more than 2 weeks.
- Mr. Sullivan reiterates that root intrusion will only be dealt with in the ROW. If an abutter thinks he has an issue he should speak with Timothy Willett in DPW.
- A motion to issue negative determination #2B positive & and negative #3 and #5 with erosion control at the toe of slope to be a special conditions is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

***Documents:***

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Notification to Abutters form*
- *Certified Abutters listing prepared by the North Andover Assessors Department dated March 23, 2016*
- *FIRM Map Flood Insurance rated map dated July 3, 2012*
- *Plan: Commonwealth Avenue Sewer Main Replacement, Date: March 25, 2016*

#### **874 Salem Street (Conides/Ham)**

- The applicant John Conides and Katie Ham of 874 Salem Street are present.
- The Administrator presents the proposal to install an above-ground pool outside of the 50' No-Build Zone. Photos of the area are presented. The wetland delineation was confirmed.
- Mr. Mabon asks about the Riverfront exemption.
- The Administrator explains that pools are exempt from the Riverfront standards if they are more than 50' from Mean High Water. The Bylaw has no separate standards for Riverfront so the exemption in Riverfront applies under both the WPA and the Bylaw.
- Mr. Conides states he is working with a pool company and they expect installation to take two days.
- A motion to issue a positive determination #2A (delineation confirmation) & negative determination negative #5 (exemptions) with conditions for post construction inspection and wetland makers on the fence is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- Mr. Lynch discusses the old OOC on the property. No action taken.

#### ***Documents:***

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form I-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Notification to Abutters Form*
- *Certified abutters list prepared by the North Andover Assessors Department dated March 29, 2016*
- *NHESP Aerial Map prepared by the North Andover Conservation Department dated March 2016*
- *USGS Aerial Mapp prepared by the North Andover Conservation Department dated March 2016*
- *North Andover MIMAP prepared by the North Andover Conservation Department dated March 25, 2016 with pool location and distances hand drawn*

#### ***Notice of Intent (NOI)***

#### **242- , 88-90 Saunders Street (Papa) (Rimmer Environmental Consulting, LLC)**

- Mary Rimmer of Rimmer Environmental Consulting, LLC is present.
- Administrator states she conducted a site visit and reviewed and confirmed the delineation.
- Ms. Rimmer presents the proposal to construct and addition on sono-tubes with a good buffer to the river. An existing shed is proposed to be removed. Erosion control is proposed.
- Mr. Mabon states the addition is rather large to be entirely on sono-tubes. He asks about plans to control the roof runoff.
- Mary states a gravel drip strip may be possible.
- Joe states the soils in the area are rather compacted.
- The Administrator states vegetation is lacking on site and the downspouts are causing erosion. Stabilization is necessary.

- Ms. Rimmer states no heavy equipment is needed on site and a grassy strip could be added at the rear of the site.
- Mr. Mabon states stabilization is important.
- Mr. Napoli states Ms. Rimmer should discuss with her clients.
- Ms. Feltovic asks if the addition can be moved closer to the street.
- Mr. Napoli asks if the structure will be one-story or two.
- Mr. McDonough asks if any waivers are required.
- The Administrator states none are needed.
- Mr. Saal asks if there will be any stairs.
- The Administrator asks about access.
- Mr. Lynch states shrubs could be used to stabilize the site.
- Ms. Rimmer states she will address these issues with her client.
- A motion to grant the request for a continuance to the April 27, 2016 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

***Documents:***

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *Project Description*
- *Signatures and Submittal Requirements*
- *NOI Wetland Fee Transmittal Form*
- *Notification to Abutters Form*
- *Certified abutters list prepared by the North Andover Assessors Department dated March 29, 2016*
- *Proposed Addition Plan prepared by Donohue Survey, Inc. dated March 25, 2016*
- *Letter prepared by Rimmer Environmental Consulting, LLC alternatives analysis dated April 13, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 13, 2016*

**242-1676, Lot 1 Hillside Road (Winslow Drive Realty Group, LLC) (Rimmer Environmental Consulting, LLC) (cont. from 3/23/16)**

- The applicant Brian Boyle of Winslow Drive Realty Group, LLC, Norman Wallace of 103 High Street, Andover, MA and Mary Rimmer of Rimmer Environmental Consulting, LLC are present.
- A motion to close and issue a decision within 21 days is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

**242-1675, Lot 2 Hillside Road (Winslow Drive Realty Group, LLC) (Rimmer Environmental Consulting, LLC) (cont. from 3/23/16)**

- The applicant Brian Boyle of Winslow Drive Realty, Norman Wallace of 103 High Street, Andover, MA and Mary Rimmer of Rimmer Environmental Consulting, LLC are present.
- A motion to close and issue a decision within 21 days is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

**242-1671, 2302 Turnpike Street (Earthworks) (Williams & Sparages) (cont. from 3/9/16)**

- Gregory Hochmuth of Williams & Sparages is present.
- The Administrator states that the Planning Board has conducted its review and is expected to issue a decision at its next meeting.
- Mr. Hochmuth reviews two changes made outside of the buffer zone. One was a change to the entrance and another to the location of the sewer and water lines. Watershed lines and impervious cover stay the same.
- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Letter from Williams & Sparages dated April 12, 2016*
- *Earthworks Site Development Plan, Grading & Drainage Plan, Sheets C-4 & C-5 last revised 4/12/2016*

**242-1677, 350 Winthrop Avenue (Delta MB, LLC c/o Demoulas Supermarket, Inc.) (Rimmer Environmental Consulting, LLC) (cont. from 3/23/16)**

- The applicant James Lamp, P. E. Engineer of Demoulas Supermarket, Inc., Peter Ellison and Eric Gerade of TEC Engineering Corporation, and Mary Rimmer of Rimmer Environmental Consulting, LLC are present.
- The Administrator states a new dewatering detail has been added to the plan.
- Mr. Gerade reviews construction costs and the preferred alternative. He reviews the proposal for dewatering. He states the 4' x 4' box culvert is the preferred option. It increases the flow by approximately 20%. It should be installed within 13 days. Work will be done at night.
- The commission discusses the work needed for an open bottom box.
- The commission reviews dewatering options.
- The Administrator states DEP had no comments on the filing.
- Mr. Mabon asks about turbidity during dewatering.
- Mr. Gerade states the dewatering can go back to being a basin with filter fabric and stone.
- Mr. Napoli states he would like to see a bigger culvert because he has seen the area flood.
- Mr. Lynch states he is concerned about the velocity of the water being pumped by two pumps. He suggests a frac tank. He worries about a flash storm that could potentially scour the downstream side of the stream. He states more needs to be done to dissipate that energy.
- Mr. Gerade suggest 12" rip rap.
- Mr. Lynch states they could dewater over a portion of the parking lot.
- Mr. Lamp states that the same amount of water goes through the pipe now.
- Mr. Lynch states it is an issue of velocity not volume.
- Mr. Lamp suggests they propose a larger bed for the discharge.
- Mr. Lynch states that the work for a 3 sided box can be done in the wet with coffer dams on each side of the footings letting the stream run through the middle.
- Mr. Gerade reviews some of the stormwater calculations.
- Mr. Lamp states the stream will overtop the coffer dam.
- Mr. Lynch states it is also feasible to construct the new culvert simultaneously and then decommission the failed one.

- Mr. Lamp states the stream would then flow at a different angle.
- Mr. Lynch states he has experience replacing several large culverts and controlling water is the biggest problem. He states downstream experiences the biggest impacts.
- Mr. Lamp states the stream goes dry during the summer months.
- Mr. Gerade states the bypass flow could be directed over the pavement.
- The Administrator states she will be away next week and the applicant will need to get the revised dewatering detail to Mr. Lynch through the Field Inspector Heidi Gaffney.
- A motion to grant the request for a continuance to the April 27, 2016 meeting is Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

***Documents:***

- *Memorandum construction analysis prepared by The Engineering Corporation dated April 12, 2016*
- *Driveway Culvert Improvements prepared by The Engineering Corporation dated March 11, 2016*

***General Business:***

**242-1592, Extension Request, Pleasant Street, Stevens Pond (North Andover Division of Public Works) (Solitude Lake Management)**

- Administrator states the permit allows treatment of aquatic invasive species and control of algae. She states that an annual report on last year's control activities has been received.
- Mr. Lynch asks what details are provided in the report.
- A motion to issue the 1 year extension is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *Letter prepared by Solitude Lake Management request a one year extension dated April 5, 2016*

**242-1544, 26 Main Street (Jeffco, Inc.)**

- Administrator states Mr. Ahern requests a 1-year extension because additional plants were added last fall to replace ones that had died or been removed. These plants need to be monitored through the spring.
- A motion to issue the 1-year extension is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *Letter prepared by Jeffco, Inc. request for a 1-year extension dated March 31, 2016*

**242-158, PCOC Request, 102 Bear Hill Road (Lot 54A) (Rowen) (Tomlinson & Hatch, LLC)**

- The applicant Richard Rowen of 8 Stonebridge Road, Ipswich, MA is present.
- The Administrator states this is a non-jurisdictional lot in the Bear Hill subdivision.
- A motion to issue the PCOC for 102 Bear Hill Road (Lot 54A) only is made by Mr. Lynch, seconded by Ms. Feltovic.

- Vote unanimous.

***Document:***

- *Letter prepared by Tomlinson & Hatch, LLC Attorneys at Law request a PCOC for 102 Bear Hill Road (Lot 54A) only dated April 4, 2016*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

**242-1613, COC Request, 190 Academy Road (North Parish Church)**

- Administrator states as-built shows construction is in compliance with the Order of Conditions. She states that the Field Inspector observed some haybales in a drainage swale that should be removed.
- A motion to issue the COC is made by Mr. Lynch, seconded by Ms. Feltovic with issuance withheld until the haybales are removed from the drainage channel.
- Vote unanimous.
- ***Documents:***
- *Letter prepared by Christiansen & Sergi, Inc. request for certificate of compliance dated March 25, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Plan for Certificate of Compliance dated March 28, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 13, 2016*

**242-1626, Modification Request, 1101 Turnpike Street (National Grid/Massachusetts Electric Company)**

- John E. Novak of Coneco Engineers & Scientist, Inc. is present.
- Administrator states the modification request is to plant fewer plants based on a smaller impact area during construction. She has reviewed the modified plan and supports the modification.
- Mr. Novak reviews the smaller work footprint and reviews the new planting plan. He states additional buffer will be provided and will be fenced. This area was inappropriately used for snow stockpiling this winter but has been cleaned up.
- Mr. Lynch states he appreciates the relocation of the fence..
- A motion to issue the modification is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- ***Documents:***
- *Letter prepared by Coneco Engineers, Scientist & Surveyors minor modification to approved restoration plan dated March 31, 2016*
- *Photo 1. (looking southwest) snow and miscellaneous debris stockpile on western slope at facility dated March 31, 2016*
- *Photo 2. (looking southwest) snow/debris pile has damaged western perimeter security fence at facility dated March 31, 2016*
- *Photo 3. (looking south) close up snow pile resting on top of the fence dated March 31, 2016*
- *Photo 4. (looking southwest) snow pile has been removed from area fence is repaired, and exposed surface has been treated with straw mulch dated March 31, 2016*
- *Photo 5. (looking south) disturbed areas of western slope are treated with straw mulch dated March 31, 2016*
- *5.0 Proposed Restoration dated March 31, 2016*

**242-84, COC Request, 1101 Turnpike Street (National Grid/Massachusetts Electric Company)(Coneco Engineers, Scientist, Surveyors )**

- John E. Novak of Coneco Engineers, Scientist & Surveyors reviews the work done as the result of an Enforcement Order. There are some discrepancies over the proposed plan but they are outside of the buffer zone.
- A motion to issue the COC is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Letter prepared by Coneco Engineers, Scientist & Surveyors request for Certificate of Compliance dated March 25, 2016*
- *North Andover Conservation Commission Order of Conditions Compliance Certificate Form dated March 25, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Parking Lot Expansion As-Built Plan dated March 25, 2016*

**242-1123, COC Request, 1101 Turnpike Street (National Grid/Massachusetts Electric Company)(Coneco Engineers, Scientist & Surveyors)**

- John E. Novak of Coneco Engineers, Scientist & Surveyors is present.
- Administrator states this OOC was for a sewer installation, however work was never started under this order and the OOC expired.
- Mr. Novak states that the work was completed under a separate OOC.
- A motion to issue the COC is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Letter prepared by Coneco Engineers, Scientist & Surveyors request a certificate of Compliance dated March 25, 2016*
- *North Andover Conservation Commission Order of Conditions Compliance Certificate Form dated March 25, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*

**Enforcement Order-146/148 Main Street ((Smith Sutton Pond Condominium Trust)**

- The applicant Mr. Gregory Smith of 146 Main Street, his Lawyer Peter Kutrubes, Charles E. Vander Linden of Starr Vander Linden Attorneys at law (Sutton Pond Condo Attorney), Dan Moriarty of 148 Main Street, William E. Goode of 148 Main Street are present.
- Mr. Lynch summarizes what he observed when onsite at the pump station. He states there is a violation of the WPA and the Clean Water Act. He states the commission is not going to engage in the ownership issue.
- Mr. Smith states the system had been in failure since 1998. He reviews the system and its issues.
- Mr. Lynch states this is not punishment. He states the parties need to find a solution and the discharge of sewerage needs to stop.
- Mr. Saal tries to gain an understanding of the original setup.
- Mr. Smith explains his lease agreement. He states a special permit from the Planning Board permitted the system many years ago.
- Mr. Kutrubes states the town constructed the pump station.



- Mr. Lynch states this is an allegation and cannot be substantiated.
- Mr. Napoli states ownership issues are not the commission's issue. They issued a cease and desist to both parties so the sewage discharge would cease.
- Mr. Saal notes that the condo association does not discharge any sewage to the system.
- The Administrator states the condo association previously repaired the system when there was a broken pipe.
- Mr. Lynch states the EO was issued to both parties and both parties can respond.
- Mr. Smith states in the video he did not discharge the system.
- Mr. Lynch states the discharge needs to stop as it is going into the ground.
- Mr. Vander Linden states this issue has undergone 5 years of litigation in superior court. He states Mr. Smith's request for an injunction was denied and he is the only responsible party. He reviews the settlement and arbitration history.
- Mr. McDonough asks about the settlement agreement. He asks to hear the language in the agreement.
- A motion to ratify the Enforcement Order is made by Ms. Feltovic, seconded by Mr. Lynch.
- Unanimous.
- The Administrator asks who should be fined if the system is observed discharging.
- Mr. McDonough states only the party hooked up to the system should be fined.

***Documents:***

- *Letter prepared by Starr Vander Linden Attorneys at Law lawsuit against Sutton Pond Condominium Trust dated April 8, 2016*
- *Photos prepared by the North Andover Conservation Department dated March 14, 2015, dated March 14, 2016, April 5, 2016, April 13, 2016*

***Decisions***

**242-1675, Lot 2 Hillside Road**

- Administrator reviews the draft Order of Conditions.
- The Commission amends the Order.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1676, Lot 1 Hillside Road**

- Administrator reviews the draft Order of Conditions.
- A motion to accept the Order of Conditions as drafted is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1671, 2302 Turnpike Street**

- Administrator reviews the drafted Order of Conditions
- The Commission amends the Order.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

*A motion to adjourn the meeting at: 9:20 PM is made by Ms. Feltovic, seconded by Mr. McDonough.*  
*Vote unanimous.*